

SCHOOL ORGANISATION COMMITTEE OF CABINET - 13 July 2009

EXECUTIVE SUMMARY SHEET - PART 1

Title of Report:

**SCHOOL PLACE PLANNING FOR THE FUTURE – SEN SPECIAL SCHOOLS
REVIEW OF PROVISION – STATUTORY PROPOSALS**

Author(s):

Director of Children's Services

Purpose of Report:

The purpose of the report is to consider three separate statutory proposals published by the Children's Services Directorate to make prescribed alterations at Sunningdale School, Portland College and Barbara Priestman School.

Description of Decision:

That the Committee consider the following three proposals:-

- i. A change in the age range at Sunningdale school from 3 –11 years to 2 – 11 years
- ii. A change in the special needs provision at Portland College from children with severe learning difficulties to children with severe learning difficulties/profound and multiple disabilities.
- iii. A change in the age range at Barbara Priestman School from 3 – 19 years to 11 – 19 and a change in the special needs provision from children with physical difficulties and associated learning difficulties to children with an autistic spectrum disorder and/or significant complex learning difficulties.

Under the provisions of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007, as amended, (the 2007 Regulations) in relation to each proposal the Authority can either reject the proposal or approve the proposal with or without modification. The Committee is requested to approve each proposal.

Is the decision consistent with the Budget/Policy Framework? Yes

If not, Council approval is required to change the Budget/Policy Framework

Suggested reason(s) for Decision

If the proposals are approved, it would mean that designations of each school would reflect the current SEN cohorts attending and address future trends.

Alternative options to be considered and recommended to be rejected:

None. If the Authority fails to determine the proposals by 25 August, 2009 they must be referred to the Schools Adjudicator for determination.

Is this a "Key Decision" as defined in the Constitution? Yes	Relevant Review Committee
Is it included in the Forward Plan? Yes	Children, Young People and Learning

**SCHOOL PLACE PLANNING FOR THE FUTURE – SEN SPECIAL SCHOOLS
REVIEW OF PROVISION – STATUTORY PROPOSALS**

REPORT OF THE DIRECTOR OF CHILDREN'S SERVICES

1. PURPOSE OF THE REPORT

1.1 The purpose of the report is to consider three separate statutory proposals published by the Children's Services Directorate to make prescribed alterations at Sunningdale School, Portland College and Barbara Priestman School.

2. DESCRIPTION OF THE DECISION

2.1 That the Committee consider the following three proposals:

- i. A change in the age range at Sunningdale school from 3 –11 years to 2 – 11 years
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3. BACKGROUND

3.1 Section 14 of the Education Act 1996 places a general duty on Local Authorities (LAs) to ensure that there are sufficient schools for providing primary and secondary school education and requires them in particular to have regard to the need to secure that special educational provision is made for pupils with special educational needs; section 315 requires LAs to keep their arrangements for SEN provision under review.

3.2 The Education and Inspections Act 2006 requires LAs to consider and respond to parental representations when carrying out their planning duty to make sure that there is sufficient primary and secondary provision and suitable SEN provision in their area.

- 3.3 The main purposes of the proposed changes are to better reflect the ages and needs of current and future pupils in the City. In relation to the DSCF SEN Improvement Test, the changes would result in the following improvements:
- i. Sunningdale School:
 - the extended age range provides equality of access to education, associated services, specialist staff, and suitable accommodation, comparable to that at Columbia Grange for children with similar special educational needs.
 - the extended age range will also result in an improved supply of pre-school places.
 - ii. Barbara Priestman School:
 - improved access for pupils with ASD and/or significant complex learning difficulties to education and associated services including the curriculum, wider school activities, facilities and equipment by providing an extension to the continuum of provision currently in place in the City
 - Improved access to specialist staff for this cohort of pupils
 - an improved supply of suitable places, including extending to post 16 provision, to meet the needs of this cohort of pupils.
 - iii. Portland College:
 - the proposed designation better reflects the cohort of pupils already within the school and will provide clarity of the range of provision available

4. CONSULTATION, PUBLICATION AND REPRESENTATION

- 4.1 The 2007 Regulations provide that those bringing forward statutory proposals to make a school alteration must consult prescribed, interested parties and must also have regard to the Secretary of State's guidance.
- 4.2 The Secretary of State's guidance states that when consulting interested parties, proposers should:-
- i) allow adequate time;
 - ii) provide sufficient information for those being consulted to form a considered view;
 - iii) make clear how consultee's views can be made known;
 - iv) be able to demonstrate how they have taken into account the views expressed during the consultation when reaching a decision to publish proposals.
- 4.3 Details of the consultation undertaken by the LA are set out at Appendix 2.

- 4.4 Consultation meetings were held in each of the schools on 2nd and 3rd June 2008, with the deadline for responses being 13th June 2008 and standard response forms were issued. The information shared at those meetings showed the current pupil profile for each school and the likely future trend and considered factors to be taken into account in any proposals for changes to existing designations. The meetings also offered the opportunity for the headteachers to discuss the position at their schools.

Further consultation meetings were held in each of the schools, week beginning 20 October 2008, with the deadline for responses being 21 November 2008. The information shared at those meetings presented the outcomes from the consultation meetings held in June, the detailed proposals and the next steps in the process. Attendees were invited to offer their views by the deadline date and standard response forms were issued.

In March 2009 the detailed proposals were put out to consultation to Health Authorities, regional LAs and those with children placed in these schools, Headteachers of the relevant schools, regional diocese, Early Years providers, Learning Skills Council and the Secretary of State. A standard response forms was issued with the deadline for responses being 1 May 2009.

In addition, a focus group of parents was established to encourage parental response to the consultation and to provide feedback on the consultation process itself. This group was facilitated by the Sunderland Carers Centre. The response from this group provided some general comments in relation to the proposals and some useful feedback to the process, which will inform any future consultation exercise.

Following the consultation process, a statutory notice in relation to each school was published on 14 May 2009, with the six week representation period expiring on 25 June 2009. The notices were published in the Sunderland Echo, and posted at the main entrance to the schools and at Central Library (Sunderland), Washington Library and Houghton Library . The statutory notices are attached at Appendices 1a, 1b and 1c and the full proposals are attached at Appendices 2a, 2b and 2c.

- 4.5 No objections have been received to any of the statutory notices.
- 4.6 The three proposals are not linked to or dependent upon each other and therefore separate determinations can be made by the Committee upon each proposal.
- 4.7 If approved, all of the proposals will be implemented from 1 September 2009.

5. Relevant Extracts from DCSF Decision Makers' Guidance

- 5.1 Regulation 8 of the 2007 Regulations provides that the Authority must have regard to guidance issued by the Secretary of State when making decisions on statutory proposals. The relevant parts of the current Guidance are set out here:-

Relevant Extracts

- The following factors should not be taken to be exhaustive. Their importance will vary, depending on the type and circumstances of the proposals. All proposals should be considered on their individual merits.

EFFECT ON STANDARDS AND SCHOOL IMPROVEMENT

A System Shaped by Parents

- The Education and Inspections Act (EIA) 2006 amends the Education Act 1996 to place new duties on Local Authorities (LAs) to secure diversity in the provision of schools and to increase opportunities for parental choice when planning the provision of schools in their areas. In addition, LAs are under a specific duty to respond to representations from parents about the provision of schools, including requests to establish new schools or make changes to existing schools. The Government's aim is to secure a more diverse and dynamic schools system which is shaped by parents. The Decision Maker should take into account the extent to which the proposals are consistent with the new duties on LAs.

Standards

- The Government wishes to encourage changes to local school provision where it will boost standards and opportunities for young people, whilst matching school place supply as closely as possible to pupils' and parents' needs and wishes.
- Decision Makers should be satisfied that proposals for changes to a school's provision will contribute to raising local standards of provision and will lead to improved attainment for children and young people. They should pay particular attention to the effects on groups that tend to under-perform, including children from certain ethnic groups, children from deprived backgrounds and children in care, with the aim of narrowing attainment gaps.

Diversity

- The Government's aim is to transform our school system so that every child receives an excellent education – whatever their background and wherever they live. A vital part of the Government's vision is to create a more diverse school system offering excellence and choice, where each school has a strong ethos and sense of mission and acts as a centre of excellence or specialist provision.
- Decision Makers should consider how proposals will contribute to local diversity. They should consider the range of schools in the relevant area of the LA and whether the expansion of the school will meet the aspirations of parents, help raise local standards and narrow attainment gaps.

Every Child Matters

- The Decision Maker should consider how proposals will help every child and young person achieve their potential in accordance with Every Child Matters' principles which are: to be healthy; stay safe; enjoy and achieve; make a positive contribution to the community and society; and achieve economic well-being. This should include considering how the school will provide a wide range of extended services, opportunities for personal development, access to academic and vocational training, measures to address barriers to participation and support for children and young people with particular needs, e.g. looked after children or children with special educational needs (SEN) and disabilities.

SCHOOL CHARACTERISTICS

Equal Opportunity Issues

- The Decision Maker should consider whether there are any sex, race or disability discrimination issues that arise from the changes being proposed, for example that there is equal access to single sex provision for the other sex to meet parental demand. Similarly there needs to be a commitment to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area, while ensuring that such opportunities are open to all.

Travel and Accessibility for All

- In considering proposals for the reorganisation of schools, Decision Makers should satisfy themselves that accessibility planning has been properly taken into account. Facilities are to be accessible by those concerned, by being located close to those who will use them, and the proposed changes should not adversely impact on disadvantaged groups.
- In deciding statutory proposals, the Decision Maker should bear in mind that proposals should not have the effect of unreasonably extending journey times or increasing transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable routes e.g. for walking, cycling etc. The EIA 2006 provides extended free transport rights for low income groups. Proposals should also be considered on the basis of how they will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.

SPECIAL EDUCATIONAL NEEDS (SEN) PROVISION

Initial Considerations

When reviewing SEN provision, planning or commissioning alternative types of SEN provision or considering proposals for change LAs should aim for a flexible range of provision and support that can respond to the special

educational needs of individual pupils and parental preferences, rather than necessarily establishing broad categories of provision according to special educational need or disability. There are a number of initial considerations for LAs to take account of in relation to proposals for change. They should ensure that local proposals:

- i. take account of parental preferences for particular styles of provision or education settings;
- ii. offer a range of provision to respond to the needs of individual children and young people, taking account of collaborative arrangements (including between special and mainstream), extended school and Children's Centre provision; regional centres (of expertise) and regional and sub-regional provision; out of LA day and residential special provision;
- iii. are consistent with the LA's Children and Young People's Plan;
- iv. take full account of educational considerations, in particular the need to ensure a broad and balanced curriculum, including the National Curriculum, within a learning environment in which children can be healthy and stay safe;
- v. support the LA's strategy for making schools and settings more accessible to disabled children and young people and their scheme for promoting equality of opportunity for disabled people;
- vi. provide access to appropriately trained staff and access to specialist support and advice, so that individual pupils can have the fullest possible opportunities to make progress in their learning and participate in their school and community;
- vii. ensure appropriate provision for 14-19 year-olds, taking account of the role of local LSC funded institutions and their admissions policies; and
- viii. ensure that appropriate full-time education will be available to all displaced pupils. Their statements of special educational needs will require amendment and all parental rights must be ensured. Other interested partners, such as the Health Authority should be involved

Taking account of the considerations, as set out above, will provide assurance to local communities, children and parents that any reorganisation of SEN provision in their area is designed to improve on existing arrangements and enable all children to achieve the five Every Child Matters outcomes.

The Special Educational Needs Improvement Test

When considering any reorganisation of SEN provision, including that which might lead to some children being displaced through closures or alterations, LAs, and all other proposers for new schools or new provision, will need to demonstrate to parents, the local community and Decision Makers how the proposed alternative arrangements are likely to lead to improvements in the standard, quality and/or range of educational provision for children with special educational needs. All consultation documents and reorganisation plans that LAs publish and all relevant documentation LAs and other

proposers submit to Decision Makers should show how the key factors set out in the paragraphs below have been taken into account. Proposals which do not credibly meet these requirements should not be approved and Decision Makers should take proper account of parental or independent representations which question the LA's own assessment in this regard.

Key Factors

When LAs are planning changes to their existing SEN provision, and in order to meet the requirement to demonstrate likely improvements in provision, they should:

- identify the details of the specific educational benefits that will flow from the proposals in terms of:
 - a) improved access to education and associated services including the curriculum, wider school activities, facilities and equipment, with reference to the LA's Accessibility Strategy;
 - b) improved access to specialist staff, both education and other professionals, including any external support and/or outreach services;
 - c) improved access to suitable accommodation; and
 - d) improved supply of suitable places.

- LAs should also:
 - i. obtain a written statement that offers the opportunity for all providers of existing and proposed provision to set out their views on the changing pattern of provision seeking agreement where possible;
 - ii. clearly state arrangements for alternative provision. A 'hope' or 'intention' to find places elsewhere is not acceptable. Wherever possible, the host or alternative schools should confirm in writing that they are willing to receive pupils, and have or will have all the facilities necessary to provide an appropriate curriculum;
 - iii. specify the transport arrangements that will support appropriate access to the premises by reference to the LA's transport policy for SEN and disabled children; and
 - iv. specify how the proposals will be funded and the planned staffing arrangements that will be put in place.

Decision Makers will need to be satisfied that the evidence with which they are provided shows that LAs and/or other proposers have taken account of the initial considerations and all the key factors in their planning and commissioning in order to meet the requirement to demonstrate that the reorganisation or new provision is likely to result in improvements to SEN provision.

OTHER ISSUES

Views of Interested Parties

- The Decision Maker should consider the views of all those affected by the proposals or who have an interest in them including: pupils; families of pupils; staff; other schools and colleges; local residents; diocesan

bodies and other providers; LAs; the LSC (where proposals affect 14-19 provision) and the Early Years Development and Childcare Partnership if one exists, or any local partnership or group that exists in place of an EYDCP (where proposals affect early years and/or childcare provision). This includes statutory objections and comments submitted during the representation period. The Decision Maker should not simply take account of the numbers of people expressing a particular view when considering representations made on proposals. Instead the Decision Maker should give the greatest weight to representations from those stakeholders likely to be most directly affected by the proposals.

6. SUGGESTED REASON(S) FOR DECISION

If the proposals are approved it would mean that designations of each school would reflect the current SEN cohorts attending and meet the needs of future trends.

7. ALTERNATIVE OPTIONS

Alternative Options to be Considered and Recommended to be Rejected

None. If the Authority fails to determine the proposals by 25 August, 2009 they must be referred to the Schools Adjudicator for determination.

8. FINANCIAL IMPLICATIONS

No financial implications are anticipated; however any financial implications that do arise from proposals as they develop will be set out in further reports to Cabinet.

9. LEGAL IMPLICATIONS

The proposals have been published in accordance with the 2007 Regulations.

10. APPENDICES

Appendices 1a,1b and 1c – Statutory Notices

Appendices 2a, 2b and 2c – Prescribed Information Proposal Documents